

Notice of Allowability

Application No.

10/032,535

Examiner

Timothy M. Harbeck

Applicant(s)

SHAW ET AL.

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/13/2006.
2. ☒ The allowed claim(s) is/are 1-163.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Allowable Subject Matter

Claims 1-163 allowed. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to teach or suggest the limitations of the independent claims.

Independent claims 1, 18, 35, 51, 78, 94, 121 and 137 each disclose either a method or a system for anonymously and confidentially determining contraparties to a transaction and notifying the contraparties in order to allow them to consummate a transaction through negotiation. These orders are handled via an order management system integrated with a central processing system to ensure anonymity. Each of the independent claims has further limitations that provide additional differentiation from both the prior art and each other, however, the main crux of the present invention concerns the aforementioned aspects.

Independent claims 52, 62, 105, 115, 148 and 158 each disclose either a system or process for trading transferable commodities wherein users can anonymously and confidentially determine contraparties to a transaction and be notified of a matching transaction to allow them to consummate a transaction through negotiation. In addition each of these claims calls for a data security component for restricting access to any transaction entry stored in the memory of the system to (i) the user identity

corresponding to the given entry; and (ii) the user identities corresponding to the other entries in any of said sets of entries that includes the given entry. This ensures that no party is aware of the actions or prospective actions of any other party.

The primary difference between the prior art and the present invention is the combination of a negotiated, yet fully anonymous, order matching system. The closest prior art references show either an anonymous matching system, or a negotiated matching system, but not both. In addition, the prior art teaches against such a modification, and therefore lacks proper motivation to combine.

Silverman et al (US 5,924,082) discloses a negotiated matching system but not complete anonymity.

Silverman et al (US 5,136,501) discloses an anonymous matching system, however the matching is done automatically, without a negotiation feature

Chou et al (US 6,055,504) discloses a method and system for accommodating electronic commerce in a communication network capacity. This is an automatic execution system, however the negotiation feature is lacking.

Ordish et al (US 5,727,165) discloses an order matching system having timed match acknowledgement that is an automatic execution system with no negotiation feature. The order matching system is furthermore not integrated (connected) with the central processor, but they are in fact the same entity.

Fersetzberg et al (US 6,968,318 B1) discloses a computer method and system for intermediated exchanges that discloses a negotiation aspect, via an intermediary, but without complete anonymity. Furthermore since the negotiation is done through a

Art Unit: 3692

third party, there is no "direct" negotiation between the counterparties, as required by the present invention.

As noted previously, motivation for a proposed combination of a negotiated, and fully anonymous system is not found in the prior art. Furthermore Ordish and Silverman '501 disclose similar language that appears to directly teach away from such a combination; "However, anonymous matching systems are also often desired and, by their very nature, do not normally employ a conversation capability since the parties to the transaction are unknown until the transaction has been completed" (Ordish Col 1, lines 43-54).

Non-patent literature 'Businessline' discloses anonymous order matching system for liquid securities, however teaches away from allowing any type of negotiation between the parties.

In sum, the current invention appears to break the paradigm that negotiated systems cannot be completely confidential and the claimed limitations define patentability over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Art Unit: 3692

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Harbeck whose telephone number is 571-272-8123. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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SUPERVISORY PATENT EXAMINER